

ADDITIONAL Q&A FROM AUGUST 14 PUBLIC MEETING

Q. Were there any people on the stakeholder committee who live in the ETJ?

A. No

Q. Why was this ordinance not finished 6 months ago?

A. The Watershed Policy Committee met in May 2006. The format of the meeting was not very effective. Without a draft ordinance to look at, it was difficult for the committee to understand the intent of the ordinance. Staff worked with the consultant to develop a draft ordinance from July 2006 to January 2007. From January to April 2007, we experienced some staffing and resource issues. In May 2007, staff contacted the State and requested an extension on the July 1, 2007, deadline. This extension was not granted.

Q. When staff realized that this needed more study, why did council not accept their recommendation to put this off for two months, granting only a one month extension?

A. The City was and still is required by the terms of its NPDES permit to have an ordinance in place by July 1, 2007. While NCDENR is cognizant of the City's due diligence in working to get the ordinance adopted, NCDENR has refused to provide the City with a written extension of time, meaning that each day the ordinance is not adopted, the City remains exposed to potential liability.

Q. Given that this ordinance will have such a profound effect on millions of dollars worth of property and will be in effect for a very long time, shouldn't property owners be entitled to reasonable period of time for additional legal opinions on this complicated legal document?

A. There is no question that the City must adopt a stormwater ordinance to comply with the federal mandate, which ordinance was required to be adopted as of July 1, 2007. The City's Legal Department staff have reviewed the proposed ordinances and deemed them to be in compliance with legal requirements. While staff remains receptive and open to the receipt of additional legal opinions, such is not a reason to further delay the adoption of the required ordinances.